

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HUMC OPCO LLC, d/b/a
CAREPOINT HEALTH – HOBOKEN
UNIVERSITY MEDICAL CENTER,

Plaintiff,

v.

UNITED BENEFIT FUND, AETNA
HEALTH INC., and OMNI
ADMINISTRATORS INC.,

Defendants.

Case No:

2:16-cv-00168 (KM) (MAH)

STIPULATION

IT IS HEREBY STIPULATED by and among Plaintiff HUMC OPCO LLC, d/b/a CAREPOINT HEALTH-HOBOKEN UNIVERSITY MEDICAL CENTER (“HUMC”) and DEFENDANTS UNITED BENEFIT FUND (“UBF”), AETNA HEALTH INC. (“AETNA”) and OMNI ADMINISTRATORS INC. (“OMNI”) (collectively “DEFENDANTS”) (all collectively “Parties”), by their undersigned attorneys, as follows:

WHEREAS, HUMC has filed the within action alleging that DEFENDANTS are jointly and severally liable to it for monies to which HUMC claims it is entitled to for medical care rendered to “Patient 1” under the terms of a certain UBF benefit plan that allegedly covered Patient 1 (“the PLAN”) and applicable law and regulations hereinafter (“applicable law”); and

WHEREAS, DEFENDANTS have jointly and severally denied and asserted various defenses to HUMC’s claims and have asserted counterclaims against HUMC for, *inter alia*, declaratory relief; and

WHEREAS, HUMC denies all such counter claims;

WHEREAS, UBF has asserted, *inter alia*, that the PLAN is a so-called “grandfathered plan” within the meaning of applicable law and HUMC has challenged that the PLAN has grandfathered status under applicable law;


NOW THEREFORE, it is hereby agreed by and among all PARTIES that:

1. UBF hereby waives for purposes of this action its claim that the PLAN is a grandfathered plan under applicable law.
2. This waiver is made with prejudice only with respect to any and all claims by HUMC for care rendered to Patient 1 and may not be used for any other purpose.
3. This Stipulation may be executed in duplicate original and signed via facsimile or by electronic signature and such facsimile and electronic signatures shall be effective as original signatures for all purposes.

Agreed to this 2nd day of December, 2016:

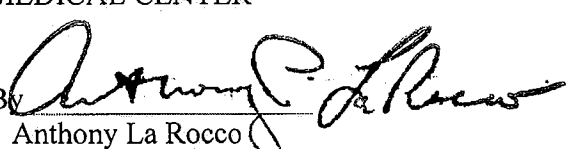
UNITED BENEFIT FUND
AETNA HEALTH INC.
OMNI ADMINISTRATORS INC.

By:


Barbara S. Mehlsack
Bruce L. Listhaus
GORLICK, KRAVITZ
& LISTHAUS, P.C.
17 State Street
New York, NY 10004
Bmehlsack@gkllaw.com
Blisthaus@gkllaw.com
Attorneys for Defendants

HUMC OPCO LLC, d/b/a CAREPOINT
HEALTH HOBOKEN UNIVERSITY
MEDICAL CENTER

By:


Anthony La Rocco
K & L GATES LLP
One Newark Center 10th fl
Newark, NJ 07102
Anthony.Larocco@klg.com
Attorneys for Plaintiff